

**TOWN OF ROCKY HILL
ZONING BOARD OF APPEALS
MEETING OF JUNE 16, 2015**

CALL TO ORDER

Chairman Reilly called the Tuesday, June 16, 2015 meeting to order at 7:00 p.m. in the Town Council Room of the Rocky Hill Town Hall, 761 Old Main Street, Rocky Hill, Connecticut.

Present: James Reilly, Chairman
Joe Coelho, Vice Chairman
Phil Benoit, Secretary
Greg Faulkner
Chris Incarvito

Absent: William Tangney
Jason Bates

Also: Kimberley A. Ricci, Town Planner, Zoning Enforcement Officer, Special Constable
Eileen A. Knapp, Recording Secretary

Chairman Reilly went over the procedures for the public hearings and noted that any decision of the Board can be appealed within 15 days of the decision. Secretary Benoit read the legal notice.

1. PUBLIC HEARING

A. Continued from May 19, 2015: Appeal 2015-2, SecureCare Options LLC c/o Jonathon M. Starble, Esq., appealing an order, requirement, or decision of a Zoning Enforcement Officer Under Section 8.7.3 of the Rocky Hill Zoning Regulations for Order dated May 29, 2013, for property located at 60 West Street in a R-20 Residential Zoning District, which Order is claimed, among other things, to have been void ab initio;

The independent legal opinion has not yet been received for Appeals 2015-2 and 2015-3.

A MOTION was made by Vice Chairman Coelho to continue the Public Hearing for Appeal 2015-2, SecureCare Options LLC c/o Jonathon M. Starble, Esq., appealing an order, requirement, or decision of a Zoning Enforcement Officer Under Section 8.7.3 of the Rocky Hill Zoning Regulations for Order dated May 29, 2013, for property located at 60 West Street in a R-20 Residential Zoning District, which Order is claimed, among other things, to have been void ab initio. Motion was seconded by Chairman Reilly. All were in favor, MOTION CARRIED UNANIMOUSLY.

B. Continued from May 19, 2015: Appeal 2015-03, SecureCare Realty LLC c/o Jonathon M. Starble. Esq., appealing an order, requirement, or decision of a Zoning Enforcement Officer Under Section 8.7.3 of the Rocky Hill

Zoning Regulations for Order dated May 29, 2013, for property located at 60 West Street in a R-20 Residential Zoning District, which Order is claimed, among other things, to have been void ab initio;

A MOTION was made by Vice Chairman Coelho to continue the Public Hearing for Appeal 2015-03, SecureCare Realty LLC c/o Jonathon M. Starble. Esq., appealing an order, requirement, or decision of a Zoning Enforcement Officer Under Section 8.7.3 of the Rocky Hill Zoning Regulations for Order dated May 29, 2013, for property located at 60 West Street in a R-20 Residential Zoning District, which Order is claimed, among other things, to have been void ab initio. Motion was seconded by Commissioner Benoit. All were in favor, MOTION CARRIED UNANIMOUSLY.

C. Appeal 2015-5, Percon, Inc. proposing to add on overhang at the doorway to the Old Main Street side of the Rocky Hill Congregational Church requiring at 6.6 foot front yard setback variance and a expansion of an legal non-conforming structure under Sections 3.5.1 and 7.1.7 of the Rocky Hill Zoning Regulations for property located at 805 Old Main Street in a Commercial C-MX Zoning District, ID#10-047

Mr. Paul Randazzo, Owner of Percon, Inc. addressed the Commission representing the Rocky Hill Congregational Church at 805 Old Main Street. They are proposing to build an overhang that would project about 6.6' further into the side yard setback. The hardship is that this lot is triangular shaped and the setbacks actually go right through the church building. Because of this, any work done to the church would require a variance.

Commissioner Comments/Questions

Commissioner Faulkner asked about the purpose of the overhang. Mr. Randazzo said it is for protection from the weather.

Commissioner Incarvito asked how they settled on the dimensions of the overhang. Mr. Randazzo said there are handrails that come off the doors and they didn't want to interfere with the handrails so they moved the columns out to the sidewalk area. He believes, aesthetically, the overhand looks better at this size.

No one was present from the public to speak in favor or against the application.

D. Appeal 2015-6, David C. Pickett, proposing to demolish and enlarge, rebuild to a larger footprint, an existing legal non-conforming detached garage currently at and proposed to remain at 4.5 feet and 3.8 feet from side and rear property lines, under Sections 3.5.1 and 7.1.7 of the Rocky Hill Zoning Regulations for property located at 12 Washington Street, in a R-20 Residential Zoning District, ID # 10-239;

Mr. David Pickett of 12 Washington Street addressed the Commission. His home was built in 1808 and the garage is at least 75 years old. They previously had to get a variance for a deck because the entire back yard is within the rear yard setback. The property lines are very tight in the corner of the property where the garage is located. There really is no place else they can relocate the garage without moving their driveway and cutting down trees. The current garage is very old and the foundation is deteriorating and needs to be rebuilt. Mr. Pickett said they received letters in support of their Appeal from all of their abutting neighbors. He feels the new garage will fit in with the neighborhood and the current setbacks will be maintained. The increase in the size will be towards the house, not towards the property lines. It is the age, location and design of the current garage that creates a unique hardship in creating a modern equivalent.

Commissioner Comments/Questions

Commissioner Benoit asked if the garage has a concrete floor. Mr. Pickett said no; the driveway is actually paved up into the garage. Because the back of the property slopes down towards the front, drainage has always been an issue.

Commissioner Incarvito asked about the foundation work that will be done. Mr. Pickett said they will have to make a cut in the driveway and tear up the pavement that floors the current garage. The new garage will be placed on a poured concrete foundation. Commissioner Incarvito asked if they planned to do anything to improve the drainage on the site. Mr. Pickett said they have already taken steps to make sure the water flow goes around the house.

Commissioner Faulkner asked about the height of the garage. Mr. Pickett said it would be 1 ½ stories with access to the storage area by way of an indoor staircase or pull down steps.

Letters of support for the application were received from the following residents:

- Elizabeth Carfi of 11 Washington Street
- Eliot & Kathy Mag of 10 Washington Street
- Christopher Pelletier of 14 Washington Street
- Richard Eleck of 32 Riverview Road
- Pamela J. Clark-Gyllenboga of 15 Washington Street
- Jay Pronicki of 28 Riverview Road
- Alexis & Edward Chiucarello of 40 Riverview Road
- Anthony & Kristen DiLorenzo of 18 Washington Street

No one from the public spoke at this time.

E. Appeal 2015-7, Daniel Sehl, proposing to construct a 14' by 16' deck to be 9' feet from rear property line for a 16' rear yard variance under Section 3.5.1 of the Rocky Hill Zoning Regulations for property located at 43 Rachel Drive in a R-20 Residential Zoning District, ID# 14-104;

Mr. Daniel Sehl of 293 Middletown Avenue addressed the Commission representing the Owner of 43 Rachel Drive. The homeowner would like to build a 14'x16' deck off the back of their house where their children can play.

Commissioner Comments/Questions

Mrs. Ricci noted that this subdivision was approved in 2001 under the Design Residence Overlay Subdivision Regulations. This allowed for smaller lots if some affordable lots were provided. That is why these homes have a smaller lot size.

Commissioner Faulkner asked about the hardship. Mr. Sehl said there isn't anywhere else they can locate the deck on the property. The property line goes on a diagonal and there is a bulkhead in the way.

No one from the public spoke in favor or against this application.

2. NEW BUSINESS

A. Appeal 2015-2, SecureCare Options LLC, 60 West Street, Rocky Hill, CT

B. Appeal 2015-3, SecureCare Realty LLC, 60 West Street, Rocky Hill, CT

C. Appeal 2015-5, Percon, Inc. 805 Main St., Rocky Hill, CT

A MOTION was made by Commissioner Benoit to approve Appeal 2015-5, Percon, Inc. proposing to add on overhang at the doorway to the Old Main Street side of the Rocky Hill Congregational Church requiring at 6.6 foot front yard setback variance and a expansion of an legal non-conforming structure under Sections 3.5.1 and 7.1.7 of the Rocky Hill Zoning Regulations for property located at 805 Old Main Street in a Commercial C-MX Zoning District, due to the stated hardship. Motion was seconded by Commissioner Incarvito. All were in favor, MOTION CARRIED UNANIMOUSLY.

D. Appeal 2015-6, David C. Pickett, 12 Washington St., Rocky Hill, CT

A MOTION was made by Vice Chairman Coelho to approve Appeal 2015-6, David C. Pickett, proposing to demolish and enlarge, rebuild to a larger footprint, an existing legal non-conforming detached garage currently at and proposed to remain at 4.5 feet and 3.8 feet from side and rear property lines, under Sections 3.5.1 and 7.1.7 of the Rocky Hill Zoning Regulations for property located at 12 Washington Street, in a R-20 Residential Zoning District due to the stated hardship. Motion was seconded by Commissioner Benoit. All were in favor, MOTION CARRIED UNANIMOUSLY.

E. Appeal 2015-7, Daniel Sehl, 43 Rachel Dr., Rocky Hill, CT

A MOTION was made by Commissioner Faulkner to approve Appeal 2015-7, Daniel Sehl, proposing to construct a 14' by 16' deck to be 9' feet from rear property line for a 16' rear yard variance under Section 3.5.1 of the Rocky Hill Zoning Regulations for property located at 43 Rachel Drive in a R-20 Residential Zoning District due to the stated hardship. Motion was seconded by Commissioner Benoit. All were in favor, MOTION CARRIED UNANIMOUSLY.

3. OLD BUSINESS

No discussion.

4. ANY OTHER BUSINESS

A. Discussion of ZBA Checklist

This will be added to the next meeting's agenda for discussion. Chairman Reilly also asked that a discussion of electronic signs also be added to the agenda.

B. Review of Zoning Regulations Section 3.4.8 temporary structures

Mrs. Ricci said she has already taken enforcement action on a temporary structure that was located on Main Street and that has since been removed. She will continue to look at other structures in Town to determine their size and how long they have been erected. Anything that has been erected for a period of three years or longer would be deemed legal non-conforming.

Vice Chairman Coelho asked Mrs. Ricci to also look into the storage pods/containers that people have on their properties. Mrs. Ricci asked the Commissioners to feel free to report any suspected violations to her.

5. APPROVE ACTION TAKEN/MINUTES – May 19, 2015

A MOTION was made by Commissioner Benoit to approve the minutes and actions from the May 19th meeting as presented. Motion was seconded by Commissioner Faulkner. All were in favor, MOTION CARRIED UNANIMOUSLY.

6. ADJOURN

A MOTION was made by Commissioner Incarvito to adjourn the meeting at 7:47 p.m. Motion seconded by Commissioner Faulkner. MOTION WITHDRAWN.

Vice Chairman Coelho asked if they were able to discuss the continued public hearings for SecureCare. Mrs. Ricci said no, the Commission cannot discuss this matter at this time.

There was a discussion of the report that Staff presents to the Commissioners prior to a meeting updating them on the status of appeals. Mrs. Ricci said if the Commission would like make any suggestions regarding changes to this report they are welcome to.

Commissioner Benoit asked if the Commission is allowed to ask for a rendering when hearing an appeal. Mrs. Ricci said the Commission does not have any jurisdiction about what a structure looks like or is made out of. Their jurisdiction is only regarding the variances that come before them. If the Applicant chooses to present a rendering, that is up to them.

A MOTION was made by Commissioner Incarvito to adjourn the meeting at 7:47 p.m. Motion seconded by Commissioner Faulkner. All were in favor, MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,

Eileen A. Knapp
Recording Secretary